

GOVERNMENT OF KARNATAKA

Social Welfare and Labour Department

Labour Dispute.—Industrial Dispute between the workmen and the management of Prapancha Press, Traffic Island, Hubli.

Award of the Presiding Officer, Labour Court, Hubli, published.

Read the following papers.—

(1) Letter No. LCH/2121/74-75, dated 25th January 1975 from Sri H. L. Narayana Gowda, Presiding Officer, Labour Court, Hubli.

BEFORE THE LABOUR COURT AT HUBLI

Reference ID (LCH) Claim No. 44/1974

Present :

SRI H. L. NARAYANAGOWDA, B.A.,LL.B.,
Presiding Officer.

Date: 25-1-1975

Claimant.—

Sri F. M. Karajigi Badamiyaver Oni, Opposite Hebbali Madivalappa's House, Post : Unkal, Hubli.

Vs.

Respondent.—

The Management of Prapancha Press, Traffic Island, Hubli.

G.O. No. SWL 458 LLD 74, dated 6th July 1974

JUDGMENT AND AWARD

Government of Karnataka have made this reference under clause (c) of sub-section (1) of Section 10 of the I.D. Act 1947 referring the dispute between Sri F. M. Karjagi, Ex-Watchman of Prapancha Press, Hubli and the Management of Prapancha Press, Hubli for adjudication on the following points of dispute:—

“1. Are the Management of Prapancha Press, Traffic Island, Hubli, justified in terminating the services of Sri Fakeerappa Maleppa Karjagi with effect from 29th March 1974

2. If not, what relief the worker is entitled to ?”

2. The claimant in his claim statement states as follows:—

The claimant was appointed as watchman-cum-worker in the Prapancha Printing Press on 24th April 1965 and he was receiving his pay at Rs. 85 p.m. He was working there from 7-40 P.M. to 8-30 A.M. daily. On 28th March 1974 the claimant remained absent for one day due to severe headache. On 29th February 1974 he presented himself to press at 7-30 P.M. as usual. At about 9-00 P.M. Manager came there and stopped him from saying that his services are not more required. Then the claimant approached the Proprietor but the proprietor told him that he is helpless in the matter. Thereafter the claimant approached the Labour Officer and conciliation officer to redress his grievance. The conciliation Officer tried his level best to settle the dispute but due to the arrogant attitude of the Management the conciliation proceedings were ended in failure. The conciliation Officer tried his levelbest to settle the domestic enquiry and condemned the claimant unheard. This action of the Management is illegal, unjust and contrary to the rules of natural justice. Therefore the claimant

prays that the court may order his reinstatement with full backwages.

3. The Respondent in his written statement pleads as follows :

It is not true that the claimant was appointed as watchman-cum-worker in the Prapancha Printing Press on 24th April 1965 and it is not true that he was receiving Rs. 85 p.m. as salary. It is not true that he was working from 7-30 P.M. to 8-30 A.M. daily. On the oral request of the claimant, he was asked to work on a purely temporary basis, as a watchman on the monthly salary of Rs. 75 only. The claimant used to be regularly irregular in discharging his duties. He used to come to office according to his own sweet will and conveniences. At all times he who used to be in the office was to ask about his delay and the absence from duties without taking prior permission. But the claimant used to give some lame excuses for such absences and lapses. Some how the Manager used to warn him and to allow him to work. This has continued from the very inception of the appointment of the claimant. All the efforts of the Management to improve the working conditions of the claimant had become futile. Thus the Management with a liberal view and leniency continued the work of the claimant on purely temporary basis. The claimant was only a temporary worker in the Respondent's office. The claimant is not particular in serving in this office. He used to treat this service only as a side work. By this attitude the Respondent sustained heavy loss by losing the articles in theft. In spite of the repeated warnings and many opportunities the claimant did not improve his service conditions. Recently the claimant began to treat the Manager if he was asked about his irregularities. Then the concerned staff began to note down his absences and lapses in the Register maintained for the same. The copy of the said Register was already submitted and it is on record. It is not true that on 28th March 1974 the claimant remained absent for one day due to severe headache and

further it is false to allege that on 29th March 1974 he presented himself to press at 7-30 P.M. as usual and the Manager stopped him his work and further it is not true that the Manager told him that his services are no more required and further it is not true that the claimant approached the proprietor and it is not true that the proprietor told him that he is helpless in the matter. The claimant was a temporary servant. On 27th March 1974 the Manager and the proprietor advised the claimant not to remain absent without intimation to the office in order to make alternative arrangements to avoid theft of the properties. The petty thefts of the articles of the Respondent office has become the order of the day. In the course of discussion on 27th March 197., the claimant himself has positively told the Manager and the Proprietor of the respondent office that the claimant is not in a position to heed the advise and also the claimant positively told that he is not ready to work if the respondent office pressed for the same. The claimant admitted that his work in the Respondent's office is only a side work. Therefore the delay and other lapses and absences are bound to happen and he told that he is not responsible for the thefts. The claimant's attitude was not proper. The claimant himself told to the Respondent that he does not wish to continue to work in the Respondent's office from 28th March 1974 and he told to the Respondent to make alternative arrangement. At the instance of the claimant the alternative arrangement was made after waiting for two days. The claimant himself left the service of the Respondent voluntarily. Under such circumstances the question of issuing the notice or other formalities will not arise. The claimant is not entitled for any relief. It prays that the reference may be rejected with costs.

4. In support of its case the Respondent has adduced no evidence, either oral or documentary. It has remained *exparte*. The claimant has examined himself as W.W.-1 and closed.

5. I have perused the records and heard Sri P. G. Wadikar, learned representative for the Claimant. Sri C. S. Mummigatti, learned advocate for the Respondent is not heard.

6. The claimant as W.W. 1 has stated that he was working as watchman in the Respondent Press. He was doing work in the Respondent Press from 7-30 P.M. to 9-00 A.M. He worked in the Respondent Press from 1965. He was getting pay of Rs. 85 P.M. On 27th March 1974 he was not doing well. He did not attend the Press on that day. On the next day at about 6-50 P.M. he attended the Press. Till 9-00 P.M. the Respondent Management kept quite. At 9-00 P.M. the Manager asked him not to come. He came home. For three days he went to the Proprietor's house, but without any responses. Then he approached the Labour Officer on 1st April 1974. The Management did not attend the conciliation. Thereafter the dispute has been referred to this Court. It is not true that he was not attending regularly. No chargesheet was taken. There was no domestic enquiry. He prays that he may be reinstated with backwages.

7. Though the Respondent has filed written statement it has not taken part in further proceedings. It has remained *exparte*. The claimant swears that without chargesheet and domestic enquiry his services have been terminated. I accept his evidence. The Respondent has terminated the services of the claimant without any domestic enquiry. The claimant must be reinstated. No backwages will be awarded as it is pleaded that the claimant was regularly irregular in his attendance.

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AWARD

I order the Respondent should reinstate the claimant in service. No backwages are allowed. No costs.

(Dictated to the Stenographer, transcribed and typed by him and corrected by me and then pronounced in the Open Court).

Hubli

(Sd.) H. L. NARAYANAGOWDA,

*Presiding Officer,
Labour Court, Hubli.*

25-1-1975

"True Copy"

H. L. NARAYANAGOWDA,

*Presiding Officer,
Labour Court, Hubli.*

ORDER

No. SWL 39 LLA 75, Bangalore, dated 25th Februray 1975.
S.O. 962. —

Whereas by State Government Order No. SWL 458 LLD 74, dated 6th July 1974 the Industrial Dispute between the workmen and the management of Prapancha Press, Traffic Island, Hubli, was referred to the Labour Court, Hubli, for adjudication.

And, whereas the Labour Court, Hubli has submitted to the State Government its award in respect of the said Industrial Dispute.

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
*Under Secretary to Government,
Social Welfare and Labour Department.*